

Jahan C. Sagafi (Cal. Bar No. 224887)
OUTTEN & GOLDEN LLP
One Embarcadero Center, 38th Floor
San Francisco, CA 94111
Telephone: (415) 638-8800
Facsimile: (415) 638-8810
E-mail: jsagafi@outtengolden.com

Justin M. Swartz (*pro hac vice* application forthcoming)
OUTTEN & GOLDEN LLP
3 Park Avenue, 29th Floor
New York, New York 10016
Telephone: (212) 245-1000
Facsimile: (646) 509-2060
E-mail: jms@outtengolden.com

Attorneys for Plaintiff and proposed Class Members

Additional counsel listed on following page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

JASON ZAJONC, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

MORGAN STANLEY & CO. LLC, f/k/a
Morgan Stanley & Co. Incorporated,
MORGAN STANLEY SMITH BARNEY
LLC, and MORGAN STANLEY,

Defendants.

Case No. 4:14-cv-05563-EMC

**STIPULATION TO WITHDRAW
AMENDED COMPLAINT**

Gregg I. Shavitz (admitted *pro hac vice*)
Susan H. Stern (admitted *pro hac vice*)
Paolo C. Meireles (admitted *pro hac vice*)
SHAVITZ LAW GROUP, P.A.
1515 S. Federal Hwy., Suite 404
Boca Raton, Florida 33432
Telephone: (561) 447-8888
Facsimile: (561) 447-8831
E-mail: gshavitz@shavitzlaw.com
E-mail: ssstern@shavitzlaw.com
E-mail: pmeireles@shavitzlaw.com

Seth R. Lesser (*pro hac vice* application forthcoming)
Fran L. Rudich (*pro hac vice* application forthcoming)
KLAFTER OLSEN & LESSER, LLP
Two International Drive, Suite 350
Rye Brook, NY 10573
Telephone: (914) 934-9200
Facsimile: (914) 934-9220
E-mail: seth@klafterolsen.com
E-mail: fran@klafterolsen.com

Attorneys for Plaintiff and proposed Class Members

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Plaintiff Jason Zajonc (“Plaintiff”) and Defendants Morgan Stanley & Co. LLC, Morgan Stanley Smith Barney LLC, and Morgan Stanley (“Defendants”) (collectively, the “Parties”) hereby stipulate as follows:

WHEREAS, on December 19, 2014, Plaintiff filed a Complaint (Docket No. 1) against Defendants in this Court;

WHEREAS, on December 22, 2014, Plaintiff filed a Corrected Complaint (Docket No. 6) to address non-substantive errors in the Complaint, and the Corrected Complaint was deemed an Amended Complaint by the Court;

WHEREAS, Plaintiff seeks to withdraw the Amended Complaint (i.e., the Corrected Complaint) (Docket No. 6), to preserve his option to amend as of right;

WHEREAS, the Parties agree that the operative complaint shall be the Complaint (Docket No. 1) and Plaintiff shall retain his option to amend as of right as if the Corrected/Amended Complaint (Docket No. 6) had never been filed;

THEREFORE, it is hereby stipulated and agreed that the Corrected/Amended Complaint (Docket No. 6) be withdrawn.

Dated: January 30, 2015

By: /s/ Jahan C. Sagafi
Jahan C. Sagafi

Jahan C. Sagafi (Cal. Bar No. 224887)
OUTTEN & GOLDEN LLP
One Embarcadero Center, 38th Floor
San Francisco, CA 94111
Telephone: (415) 638-8800
Facsimile: (415) 638-8810
E-mail: jsagafi@outtengolden.com

Justin M. Swartz (*pro hac vice* application
forthcoming)
OUTTEN & GOLDEN LLP
3 Park Avenue, 29th Floor
New York, New York 10016
Telephone: (212) 245-1000
Facsimile: (646) 509-2060
E-mail: jms@outtengolden.com

Gregg I. Shavitz (admitted *pro hac vice*)
Susan H. Stern (admitted *pro hac vice*)
Paolo C. Meireles (admitted *pro hac vice*)
SHAVITZ LAW GROUP, P.A.
1515 S. Federal Hwy., Suite 404
Boca Raton, Florida 33432
Telephone: (561) 447-8888
Facsimile: (561) 447-8831
E-mail: gshavitz@shavitzlaw.com
E-mail: ssfern@shavitzlaw.com
E-mail: pmeireles@shavitzlaw.com

Seth R. Lesser (*pro hac vice* application
forthcoming)
Fran L. Rudich (*pro hac vice* application
forthcoming)
KLAFTER OLSEN & LESSER, LLP
Two International Drive, Suite 350
Rye Brook, NY 10573
Telephone: (914) 934-9200
Facsimile: (914) 934-9220
E-mail: seth@klafterolsen.com
E-mail: fran@klafterolsen.com

*Attorneys for Plaintiff and Proposed Class
Members*

Dated: January 30, 2015

By: /s/ Melinda Riechert
Melinda Riechert

Melinda Riechert
MORGAN LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1596
Telephone: (415) 422-1486
Facsimile: (415) 422-1001
E-mail: mriechert@morganlewis.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

JASON ZAJONC, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

MORGAN STANLEY & CO. LLC, f/k/a
Morgan Stanley & Co. Incorporated,
MORGAN STANLEY SMITH BARNEY
LLC, and MORGAN STANLEY,

Defendants.

Case No. 4:14-cv-05563-EMC

~~[PROPOSED]~~ ORDER

The Court directs the clerk to withdraw the Corrected/Amended Complaint (Docket No. 6). The operative complaint shall be the original Complaint (Docket No. 1), and Plaintiff retains the option to amend as of right as if the Corrected/Amended Complaint (Docket No. 6) had never been filed.

IT IS SO ORDERED.

Dated: 2/2/15

